

## P A T E N T

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/650,304  
Applicant : John M.K. Daniel et al.  
Filed : August 28, 2003  
TC/A.U. : 3731  
Examiner : Vi X. Nguyen  
Title : DISTAL PROTECTION DEVICE AND METHOD  
Docket No. : 1001.1351114  
Customer No. : 28075

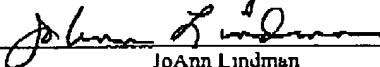
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**FEB 10 2006**

**RENEWED PETITION UNDER 37 CFR 1.137(b)**

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE UNDER 37 C.F.R. 1.06(d): The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. 571-273-8300, on this 10 day of February, 2006.

By \_\_\_\_\_



JoAnn Lindman

Dear Sir:

This is a request for reconsideration of the dismissal of applicants' Petition to Revive filed December 30, 2005. In the Communication from the Petitions Attorney, dated January 17, 2006, dismissing applicants' Petition, the Petitions Attorney indicated that applicants' Petition included all the required elements, except for the required reply.

Accompanying this Communication is a copy of the continuation application filed December 21, 2005 in response to the Office Action dated June 21, 2005. This continuation has now been assigned Serial No.11/314,775. Applicants respectfully submit that the continuation application satisfies the requirement for a reply in accordance with MPEP §711.03(c)II.A.2.(b)(D).

Page 1 of 2

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  <i>(Only for new nonprovisional applications under 37 CFR 1.53(d))</i>		Attorney Docket No. 1001 1351116 First Inventor John M. K. Daniel Title Distal Protection Device and Method Express Mail Label No. EV426646693US	
<b>APPLICATION ELEMENTS</b> <i>See MPEP chapter 800 concerning utility patent application contents</i>		<b>ADDRESS TO:</b> Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450	
1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i> 2. <input type="checkbox"/> Applicant claims small entity status. <i>See 37 CFR 1.27</i> 3. <input checked="" type="checkbox"/> Specification [Total Pages 48] <i>Both the claims and abstract must start on a new page.          (For information on the preferred arrangement, see MPEP 608.01(a))</i> 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 16] 5. Oath or Declaration [Total Sheets 3] a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> A copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i> <input type="checkbox"/> DELETION OF INVENTOR(S) <i>Signed statement attached deleting inventor(s)          name in the prior application, see 37 CFR          1.63(d)(2) and 1.33(b)</i> 6. <input type="checkbox"/> Application Data Sheet See 37 CFR 1.76 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) <input type="checkbox"/> Landscape Table on CD 8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, items a - c are required)</i> a. <input type="checkbox"/> Computer Readable Form (CRF) b. <input type="checkbox"/> Specification Sequence Listing on i. <input type="checkbox"/> CD-ROM or CD-R (2 copies), or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies		<b>ACCOMPANYING APPLICATION PARTS</b> 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) Name of Assignee _____ 10. <input checked="" type="checkbox"/> 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i> 11. <input type="checkbox"/> English Translation Document (if applicable) 12. <input type="checkbox"/> Information Disclosure Statement (PTO/SB/08 or PTO-1449) <input type="checkbox"/> Copies of citations attached 13. <input type="checkbox"/> Preliminary Amendment 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i> 15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i> 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i) <i>Applicant must attach form PTO/SB/35 or equivalent</i> 17. <input type="checkbox"/> Other _____	
18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76 <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No.: 10650,304 Prior application information Examiner Nguyen, V. L. An Unit 3731			
<b>19. CORRESPONDENCE ADDRESS</b> <input checked="" type="checkbox"/> The address associated with Customer Number 28075 OR <input type="checkbox"/> Correspondence address below Name CROMPTON SEAGER & TUFTE LLC Address 1221 Nicollet Avenue, Suite 800 City Minneapolis State MN Zip Code 55403-2420 Country Telephone 612-677-9050 Fax 612-359-9349 Signature Date December 21, 2005 Name (Print/Type) Glenn M. Seager Registration No. (Attorney/Agent) 36,926			

This collection of information is required by 37 CFR 1.53(p). The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/06/2004  
Fees pursuant to the Consolidated Appropriations Act 2005 (H.R. 4818)

# FEE TRANSMITTAL For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$): 1,200.00

## Complete if Known

Application Number: NEW APPLICATION  
Filing Date: December 21, 2005  
First Named Inventor: John M. K. Daniel  
Examiner Name: Nguyen, Vi X  
Art Unit: 3731  
Attorney Docket No: 1001 1351116

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## METHOD OF PAYMENT (check all that apply)

- ☒ Check ☐ Credit Card ☐ Money Order ☐ Note ☐ Other (please identify): \_\_\_\_\_
- ☒ Deposit Account. Deposit Account Number: 50-0413. Deposit Account Name: Crompton, Seager & Tufte LLC
- For the above-identified deposit account, the Director is hereby authorized to (check all that apply):
- ☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

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## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	1,000.00
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

### 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
16	- 20 or HP = 0	x 50.00	=			
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
4	- 3 or HP = 1	x 200.00	= 200.00			
HP = highest number of independent claims paid for, if greater than 3						

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
64	- 100 = 0	/ 50 = (round up to a whole number) x		

### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: \_\_\_\_\_

## SUBMITTED BY

Signature: \_\_\_\_\_ Registration No. 36,928 Telephone 612-677-9050  
Name (Print/Type): Glenn M. Seager Date: December 21, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004 Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete if Known</b> Application Number: NEW APPLICATION Filing Date: December 21, 2005 First Named Inventor: John M.K. Daniel Examiner Name: Nguyen, Vi X Art Unit: 3731 Attorney Docket No: 1001.1351116	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b> <b>FEB 10 2006</b>	
TOTAL AMOUNT OF PAYMENT (\$): 1,200.00			

**METHOD OF PAYMENT** (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 50-0413 Deposit Account Name: Crompton, Seager & Tufte LLC

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

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**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	1,000.00
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

**Total Claims** 16 - 20 or HP = 0 x 50.00 = **Fees Paid (\$)**

HP = highest number of total claims paid for, if greater than 20

**Indep. Claims** 4 - 3 or HP = 1 x 200.00 = **Fees Paid (\$)**

HP = highest number of independent claims paid for if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fees Paid (\$)
64	0	0		

(round up to a whole number) x =

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other:

<b>SUBMITTED BY</b>		
Signature	Registration No. (Attorney/Agent) 36,926	Telephone 612-677-9050
Name (Print/Type) Glenn M. Seager		Date December 21, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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This will acknowledge receipt of Utility Patent Application Transmittal, Fee Transmittal (2), copy of prior patent application including 48 pages of specification, 16 sheets of drawings, copy of Declaration, 3.73(b) Statement, Power of Attorney, a check in the amount of \$1,200 and Postcard Receipt, with respect to the following:

Date of Deposit: December 21, 2005

Applicant: John M. K. Daniel et al

Serial No.: NEW APPLICATION

Filing Date: December 21, 2005

Docket No.: 1001.1351116

For: DISTAL PROTECTION DEVICE AND METHOD

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